

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

THOMAS E. PEREZ,
Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

SANITATION SOLUTIONS, INC., and
KEVIN BYRD, an Individual,

Defendants.

FILE NO.

2:16-cv-00093-WCO

J U D G M E N T

This cause came on for consideration upon Plaintiff's motion and Defendants' consent to the entry of this Judgment, without further contest. It is, therefore,

ORDERED, ADJUDGED and DECREED that Defendants, their agents, servants, employees and all persons in active concert or participation with them who receive actual notice hereof are permanently enjoined from violating the provisions of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. § 201, et seq., hereinafter referred to as the Act, in any of the following manners:

A. They shall not, contrary to §§ 6 and 15(a)(2) of the Act, 29 U.S.C. §§ 206 and 215(a)(2), pay any employee who is engaged in commerce or in the production of goods for commerce, or who is employed in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the Act, wages at a rate less than the applicable minimum hourly rate prescribed by said § 6 as now in effect or which hereafter may be made applicable by amendment thereto.

B. They shall not, contrary to §§ 7 and 15(a)(2) of the Act, 29 U.S.C. §§ 207, 213, and 215(a)(2), employ any employee in commerce or in the production of goods for commerce, or in an enterprise engaged in commerce or in the production of goods for commerce, within the meaning of the Act, for more than 40 hours in a workweek unless such employee is compensated for such hours in excess of 40 at an overtime rate of at least one and one-half times the regular rate at which such employee is employed, unless paid a fixed salary for fluctuating hours in accordance with 29 C.F.R. § 778.114 (the fluctuating work week method).

C. They shall not, contrary to §§ 11(c) and 15(a)(5) of the Act, 29 U.S.C. §§ 211(c) and 215(a)(5), fail to make, keep and preserve adequate and

accurate employment records as prescribed by Regulation found at 29 C.F.R.

§ 516.

D. Defendants represent that they have been in compliance with §§ 206, 207, 211, 15(a)(1) and 15(a)(2) of the Act since at least November 7, 2014.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Defendants hereby are restrained from withholding payment of back wages in the total amount of \$31,410.54 due employees for the periods of employment and in the amounts indicated with respect to each, as set forth in Schedule "A" attached hereto. The private rights, under the Act, of any employee of Defendants not named or for periods not stated in said Schedule "A" shall not be terminated or otherwise adversely affected by this proceeding. This Judgment resolves all back wages and liquidated damages due the employees listed in Schedule "A" through November 8, 2014.

To comply with this provision of this Judgment, Defendants, shall, within thirty (30) days from entry of this Judgment, deliver to Plaintiff's attorneys a certified or cashier's check, or money order payable to "Wage and Hour Division--Labor" in the total amount of \$31,410.54, less deductions for federal income tax and the employee's share of F.I.C.A. as to each employee. Defendants calculate the net amount \$23,035.37. Plaintiff has not reviewed and

takes no position with respect to Defendants' calculation. Payment shall be sent to "U.S. Department of Labor, Wage and Hour Division Atlanta District Office, 61 Forsyth Street SW, Suite 7M10, Atlanta, Georgia 30303", and shall be postmarked on or before the applicable due date.

In the event of default by Defendants in making such payment, post-judgment interest shall be assessed on any unpaid amount at the rate established pursuant to 28 U.S.C. § 1961.

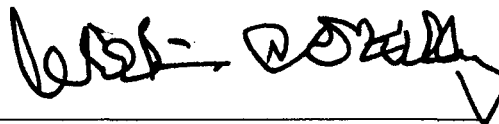
Defendants shall remain responsible for the employer's share of F.I.C.A. arising from or related to the back wages paid hereunder. Defendants also shall provide Plaintiff's attorneys with a schedule showing their employer I.D. number and a schedule showing the last-known address and social security number as to each employee listed on Schedule "A".

Plaintiff, thereupon, shall distribute the proceeds of such check to the named employees, or to their personal representatives, and any amounts not so distributed by the Plaintiff within the period of three (3) years after date of this Judgment, because of inability to locate the proper persons or because of such persons' refusals to accept such sums, shall be deposited into the Treasury of the United States as miscellaneous receipts.

Defendants' signatures on this Judgment are not an admission or acknowledgement of any liability, fault, or wrongdoing of any kind whatsoever by Defendants.

FURTHER ORDERED that the Court will retain jurisdiction for purposes of enforcing this Judgment. The case is dismissed with prejudice with each party to bear its own attorney's fees, costs and expenses incurred by such party in connection with any stage of this case, including but not limited to, attorney's fees which may be available under the Equal Access to Justice Act, as amended.

This 29th day of September, 2016

A handwritten signature in black ink, appearing to read 'W. C. O'Kelley', written over a horizontal line.

WILLIAM C. O'KELLEY
UNITED STATES DISTRICT JUDGE

DEFENDANTS consent to
entry of the foregoing Judgment:

s/ K. Prabhaker Reddy

K.P. Reddy
Attorney for Defendants
Sanitation Solutions Inc.
and Kevin Byrd

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Plaintiff moves entry of
the foregoing Judgment:

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STANLEY E. KEEN
Regional Solicitor

MONICA R. MOUKALIF
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s/ Robert L. Walter
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